

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Withdrawn claims 1, 3-5, 7-15, 18-26, 29-37, and 40-49 were previously canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 2, 6, 16, 17, 27, 28, 38, 39, and 50-55 are pending. Claims 2, 6, 16, 27, 38, 54, and 55 are amended, and claims 56-62 are added. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Rejections Under 35 U.S.C. §102(e) and §103(a)**

Claims 2, 6, 16, 50, 51, 54, and 55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Saruwatari et al. (U.S. 6,727,949);

claims 27 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saruwatari in view of Norita et al. (U.S. 6,906,751); and

claims 52 and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saruwatari in view of Kondo (U.S. 5,585,942).

claims 28 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saruwatari in view of Norita et al. and further in view of Takahashi et al. (U.S. 5,831,676); and

claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Saruwatari in view of Takahashi et al.

These rejections are respectfully traversed.

**Amendments to Independent Claims 2, 6, 54, and 55**

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present invention, each of independent claims 2, 6, 54, and 55 has been amended to recite a combination of features, including *inter alia*

a first determining device that determines a first aperture range used for securing a predetermined optical capability which is required for capturing images, except during automatic exposure, automatic focus, electronic zoom, real-time displaying of a moving image, recording of the moving image, and recording of an image with low resolution due to reduced pixels.

The Applicants respectfully submit that the combination of features set forth in each of independent claims 2, 6, 54, and 55 is not disclosed or made obvious by the prior art of record, including Saruwatari et al.

**Saruwatari et al.**

In his rejection of claims 2, 6, 54, and 55 (pages 4-6 of the Office Action), the Examiner refers to Saruwatari et al. column 7, lines 30-55 and column 15, lines 9-64.

However, as can be seen in these passages, Saruwatari et al. merely disclose a fully open aperture during auto focus and auto exposure operations for shooting moving images.

In addition, on page 7 of the Office Action, the Examiner concedes on page 7 of the Office Action that Saruwatari et al. do not clearly disclose that the auto focus is performed in a low-resolution mode.

Therefore, Saruwatari et al. cannot teach or suggest “a first determining device that determines a first aperture range used for securing a predetermined optical capability which is required for capturing images, except during automatic exposure, automatic focus, electronic zoom, real-time displaying of a moving image, recording of the moving image, and recording of an image with low resolution due to reduced pixels”, as required by each of independent claim 2, 6, 54, and 55.

Therefore, independent claims 2, 6, 54, and 55 are in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection of claims 2, 6, 54, and 55 under 35 U.S.C. §102(e) are respectfully requested.

**Amendments to Independent Claims 16, 27, and 38**

While not conceding the appropriateness of the Examiner’s rejections, but merely to advance the prosecution of the present invention, independent claim 16 has been amended to recite a combination of features, including *inter alia*

determining the aperture out of an aperture range for a normal shooting which secures predetermined optical capability when shooting in a low-resolution mode ...

wherein in order to increase brightness when shooting in the low-resolution mode, the aperture out of aperture range includes an aperture opening that is larger than that of the aperture opening in the normal shooting mode.

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present invention, each of independent claims 27 and 38 has been amended to recite a combination of features, including *inter alia*

setting the aperture out of the aperture range for the normal shooting when shooting in a low-resolution mode,

wherein in order to increase brightness when shooting in the low-resolution mode, the aperture out of aperture range includes an aperture opening that is larger than the aperture opening of the aperture when shooting in the high-resolution mode.

The Applicants respectfully submit that the combination of features set forth in each of independent claims 16, 27, and 38 is not disclosed or made obvious by the prior art of record, including Saruwatari et al. and Norita et al.

The Examiner concedes on page 7 of the Office Action that Saruwatari et al. do not clearly disclose that the auto focus is performed in a low-resolution mode.

Regarding Norita et al., the Examiner refers to FIG. 26-28 and column 19, lines 10-62, and column 1, lines 52-59. As best understood by the Applicants, Norita et al. merely disclose a method for improving an auto focus operation. However, Norita et al. lack any teaching of "setting the aperture out of the aperture range for the normal shooting when shooting in a low-resolution mode", as required by each of independent claims 16, 27, and 38.

At least for the reasons explained above, the Applicants respectfully submit that the combination of features set forth in each of independent claims 16, 27, and 38 is not

disclosed or made obvious by the prior art of record, including Saruwatari et al. and Norita et al.

Therefore, independent claims 16, 27, and 38 are in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection of claims 16, 27, and 38 under 35 U.S.C. §102(e) and §103(a) are respectfully requested.

**Dependent Claims**

The Examiner will note that dependent claims 56-62 have been added to set forth additional novel subject matter. All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All claims of the present application are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are respectfully requested.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

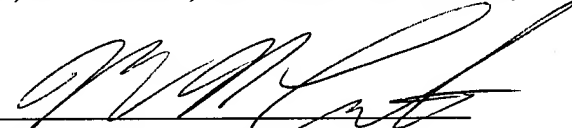
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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